



Traffic Commissioners
for Great Britain

Response to Covid 19 – Operator Licensing, Local Bus Service Registration and Vocational Driver Conduct

Advice for Operators – 1 September 2020

Foreword

The current situation continues to evolve and the guidance available to industry will change as the situation develops.

Both the goods and passenger carrying industries have faced significant challenges in the past months and may continue to do so for some time. To assist the industry the Senior Traffic Commissioner (STC) has, in accordance with his powers under the legislation, issued temporary guidance and directions to traffic commissioners on the exercise of their functions during this period. The published document allows traffic commissioners to support operators so that essential services can continue, either through the supply of goods, transportation of waste products or public transport provision.

It is frequently said that 'proportionality' lies at the heart of the traffic commissioner functions. What this means is that traffic commissioners will take into account the developing situation. The guidance provided reflects the changing priorities and allows for a flexible approach to be adopted in the administration and regulation of the functions carried out by traffic commissioners, whilst also ensuring safety. **It is important that operators ensure that they continue to maintain safety standards during this period and realise that regulatory action may be taken if unsafe practices are reported to the traffic commissioner.**

The temporary guidance can be found at:

<https://www.gov.uk/government/news/senior-traffic-commissioner-issues-a-statutory-document-in-response-to-the-covid-19-outbreak>

This guidance may change as the situation develops and it is advisable to periodically check for updated advice.

Notification of updates will be made through the traffic commissioners' news alert service. You can sign up for this service at:

<https://public.govdelivery.com/accounts/UKOTC/subscriber/new>

All applications for a traffic commissioner to consider using the powers listed below must be made in writing to the Office of the Traffic Commissioner and sent to Enquiries@otc.gov.uk. During this period our ability to respond to postal communication will be delayed and may not be possible.

Goods Vehicle and Public Service Vehicle Operator Licensing

1. Can I temporarily operate more vehicles than authorised under my goods vehicle operator's licence to meet an urgent public demand? Can I temporarily operate for hire or reward under my restricted goods vehicle operator's licence?

You need to ask a traffic commissioner to grant a temporary exemption (in writing) from any requirement to hold a standard licence, which would otherwise be imposed by sections 2 and 3 of the Goods Vehicle (Licensing of Operators) Act. In summary this allows for a restricted licence holder to operate for hire or reward, an existing licence holder to temporarily use more vehicles than the licence authorises or for someone who does not hold a licence to use a goods vehicle for hire or reward or in connection with a business.

Traffic commissioners will only consider the use this power on receipt of a written request from the person / entity proposing to operate. All requests should be sent to Enquiries@otc.gov.uk setting out the proposal and justification. A traffic commissioner will need to be satisfied that an applicant is not unfit to engage in road transport. Additionally, a traffic commissioner may check that:

- the applicant is not insolvent
- there are no outstanding maintenance or other issues, which might impact on road safety
- that this is not an attempted device to avoid responsibility for alleged failures in compliance
- that the applicant has satisfactory facilities and arrangements for maintaining the vehicles used under the exemption in a fit and serviceable condition.

The traffic commissioner must be satisfied that the exemption is necessary for the purpose of enabling an emergency to be dealt with (in this case the current outbreak) or enabling some other special need to be met (arising from the outbreak).

The traffic commissioner must also be satisfied that the applicant is engaged exclusively in national transport operations, which will have only a minor impact on the transport market because of the nature of the goods carried or the short distance the goods are carried. In the exceptional circumstances of the outbreak the Senior Traffic Commissioner has advised the traffic commissioners that they are entitled to rely on a declaration to that effect signed by the person or officer of the corporate entity.

An application form to use when applying for a temporary exemption can be found at Annex A.

2. Due to challenging trading conditions I can no longer meet the requirement to be of the appropriate financial standing?

Financial standing for standard licence holders is an important means by which a transport business becomes established and is intended to support the maintenance of vehicles and trailers during operation. It is a condition of an operator's licence that changes in financial standing are notified to the traffic commissioner.

Operators who cannot meet the financial standing requirement and want to keep operating should write to the traffic commissioner and ask for a period of grace.

On considering whether to grant a period of grace a traffic commissioner will wish to be satisfied that:

- the operator is not insolvent
- there are no outstanding maintenance or other issues, which might impact on road safety
- that this is not an attempt to avoid responsibility for alleged failures in compliance.

Given the exceptional circumstances, the Senior Traffic Commissioner has directed that a traffic commissioner may rely on a satisfactory financial check within the last 12 months as evidence to support the granting of a Period of Grace.

Traffic commissioners recognise the challenging nature of the operating environment during this period of uncertainty and will give serious consideration to the grant of a Period of Grace to those standard operators who require it if the qualifying circumstances are met.

The European Regulations have amended the maximum period of grace for financial standing, increasing from 6 months to 12 months for determinations made between 1 March 2020 and 30 September 2020. The STC has suggested an increased starting point of 6 months, which may allow for an extension to the maximum period of 12 months, should circumstances require that.

Any decisions about the grant or length of a period of grace will include an assessment of the risk to road safety.

If you are experiencing any issue in meeting the financial standing requirement you should notify the traffic commissioner as soon as possible at Enquiries@otc.gov.uk. It is a condition on an operator's licence that notification is made within a month. A traffic commissioner is likely to be sympathetic and will seek to assist wherever possible, especially given the difficulties arising from COVID-19.

Anyone who fails to notify within the appropriate time can expect a traffic commissioner to require explanations as to why they failed to comply, and it may result in a finding of loss of good repute and affect any future application.

3. I hold a restricted licence and cannot meet the requirement to have sufficient financial resources available due to restrictions on trade.

There is no power to grant Periods of Grace to an existing restricted operator. Operators who cannot meet the requirement to have sufficient financial resources should consider offering an undertaking to the traffic commissioner for a financial check to be carried out in the future and on a specified date.

4. Due to restrictions on movement I no longer have access to my operating centre. What steps do I need to take?

In the rare circumstances where a standard operator *temporarily* loses access to an operating centre as a result of restrictions imposed during the outbreak, traffic commissioners will give serious consideration to the grant of a Period of Grace to operate from an alternative site.

The Senior Traffic Commissioner has set a starting point of 4 months Period of Grace for qualifying operators. That starting point is intended to allow an extension to the maximum period of 6 months should circumstances require that.

A traffic commissioner will wish to be satisfied as to where the vehicles will be parked in the alternative. It is recognised that during the period of the outbreak it may not be practicable to lodge an application for a new operating centre, which may only be required for temporary use.

Restricted licence holders do not have facility to request a Period of Grace but should notify the traffic commissioner for direction as to how to proceed.

5. Operational needs require me to operate more vehicles from my operating centre than the current authorisation. I am still within my overall vehicle authorisation.

The Office of the Traffic Commissioner has been instructed to try and assist operators and to prioritise applications. The optimal way to obtain grant of a variation is using the digital services available to operators. The purpose of the Statutory Document is to streamline the process as much as possible and use the flexibility that already exists within the legislation. Operators should consider submitting a complete application as soon as the need arises and seek an interim direction which will be considered as set out in the statutory document.

6. I cannot maintain my vehicles in line with the stated intervals that I made a commitment to.

Note: the relaxations below will cease to have effect from 1 September 2020. From that point on, all vehicles and trailers must return to the inspection frequency stated on their licence. Where an extended frequency has been adopted, that can still be used until the first inspection occurs after 1 September.

For example - if a vehicle with a PMI inspection period extended to 6 weeks is inspected on 10 August (ISO week 33), can still be inspected 6 weeks later, during the week commencing 21 September (ISO week 39).

After that, the inspection interval must revert to that stated on the vehicle's licence. If that interval were set at 4 weeks, that would mean the next inspection would need to happen in the week commencing 19 October (ISO 43).

If this is not possible, you must notify the Office of the Traffic Commissioner in advance with an explanation and a risk assessment of your alternative arrangements.

You should never operate a vehicle in an unsafe condition. You should adopt a risk-based approach as you should know your business and where the greatest risks may be. Maintenance intervals can exceptionally and in limited situations, be extended in line with the principles set out below.

These principles only apply to standard licence holders (in any sector) or to restricted licence holders carrying out essential transport services involved in the delivery of food, non-food (personal care and household paper and cleaning), door to door refuse collection and disposal services, health services and over the counter pharmaceuticals, Fuel (transport and heating) or essential utility services (water, gas, electricity, telecommunications, road maintenance, etc) where their normal maintenance arrangements are affected by Covid-19. Where the concession is used, robust daily driver checks and effective use of vehicle monitoring systems are even more important. The principles are as follows:

- PMI intervals can be extended by up to 50% with a maximum of 17 weeks, whichever is the lesser, if it's not possible to obtain the PMI under the normal inspection arrangements. This needs to take in to account whether any monitored defects were reported on the previous safety inspection.
- There is no need for a fresh maintenance contract but operators should update their licence records online. Use the box provided for the maintenance suppliers address briefly to record the temporary arrangements. You can access your records here:

<https://www.gov.uk/manage-vehicle-operator-licence>

- Evidence of the justification for the reduction such as a letter or email from your workshop confirming unavailability is to be kept with the PMIs and to be produced on request to OTC/DVSA/police, etc.
- Where the workshop facility is unavailable, consider using mobile inspections at operating centres. The inspection would need to be as full as possible and comply with the site's health and safety requirements. An instrumented brake test should still be conducted.
- DVSA has indicated that Examiners will not take enforcement action for vehicles operated with 'in-service reported' non-safety critical minor and major defects, where either parts or workshops are unavailable. This does not include using a vehicle or trailer with and any dangerous defects. Operators would need to keep evidence on the maintenance file where repairs have needed to be deferred due to these exceptional circumstances. The judgement of whether or not the vehicle is allowed to stay in service should be made by a suitably qualified technician. Guidance on the definition of minor, major and serious can be found in the DVSA HGV and PSV Inspection Manuals.
- DVSA has also indicated that it will temporarily suspend delayed prohibition action; the defects will be reported on an inspection notice and the operator must keep on the maintenance file evidence that the defects have been rectified in a timely manner.
- Where prohibitions are issued, depending on the nature of the defect, DVSA may be able to remove the prohibition by electronic submission of a fresh preventative maintenance inspection report and evidence that the defects have been repaired.

Restricted Licences

If you are the holder of a restricted licence and do not operate in the sectors mentioned above you should continue to abide by the intervals that you stated on your application to the traffic commissioner.

You should always ensure that vehicles are roadworthy at all times and follow the advice provided by the Guide to Maintaining Roadworthiness found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785463/guide-to-maintaining-roadworthiness-commercial-goods-and-passenger-carrying-vehicles.pdf

7. My vehicles are not being used during this period. Do I have to carry out a pre-use inspection before I put them into use again?

Although it is always recommended that a pre-use inspection is carried out prior to putting vehicles that have been stood idle back into service, the traffic commissioners recognise that operators will want to start using vehicles as soon as possible and there may be delays in businesses starting again when there may not be enough slots available at maintainers to inspect vehicles.

Therefore, for fleets that are unused during the period of the lock down, the following principles can apply:

- The PMI schedule is frozen or paused during the period that the vehicle is not used
- The time to the next inspection can include any relaxation that applied to relevant vehicles under question 6 above
- If the vehicle has exceeded its normal or, if it qualified for the relaxation at question 6, its extended PMI period, a technically competent person, (technician if possible) is to carry out an enhanced walkaround check, which includes tyre pressure measurement and brake performance test. The brake performance test, if not undertaken on a roller brake tester, will include a measured temperature check of the brakes after a road test. The temperatures are to be recorded and retained
- Vehicles over 12 years old and more than 50% or 4 weeks, whichever is greater, over their PMI cycle will receive a full preventative maintenance inspection before use
- Regardless of the combination of relaxations applied, no vehicle will be put into service if more than 17 weeks has elapsed since the last full PMI

The following Questions & Answers provide further explanation of how the relaxations may be applied.

Q1. A 3-year-old vehicle is planned with a 10-week PMI schedule, it is taken out of service at week 4 of the schedule and is off the road for 8 weeks, what inspection is required to bring the vehicle back into service?

Ans. A technically competent person, (technician if possible) is to carry out an enhanced walkaround check, which includes tyre pressure measurement and brake performance test. The brake performance test, which if not undertaken on a roller brake tester, with a measured temperature check of the brakes after a road test.

The vehicle then has a further 5 weeks to schedule the next PMI, not 6 as that would take it in excess of the 17-week backstop

Q2 A 3-year-old vehicle is planned with a 10-week PMI schedule, it is taken out of service during week 10 of the schedule and is off the road for 4 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle was in the last week of the 10-week schedule.

Q3. A 14-year old vehicle is planned with a 4-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 2 weeks, what inspection is required to bring the vehicle back into service?

Ans. Schedule remains the same, enhanced driver walkaround check, PMI required in 1 week.

Q4. A 5-year old vehicle is planned with a 12-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 20 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle would go beyond the 17-week maximum PMI interval

Q5. A 5-year old vehicle is planned with a 12-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 8 weeks, what inspection is required to bring the vehicle back into service?

Ans. Schedule remains the same, enhanced driver walkaround check needs to be carried out, PMI required in 8 weeks, (which inc para 6 concession maximum of 17 weeks between inspections).

Q6. A 6-year old vehicle is planned with a 6-week PMI schedule, but it is now on week 8 and running under para 6 concession. it is taken out of service and is off the road for 4 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle was operating overdue under para 6 concession.

8. I am a transport manager but am required to self-isolate, work from home, or I am absent from work through ill health.

The role of Transport Manager brings with it a lot of responsibilities (see paragraph 54 of Statutory Document No. 3). The conditions on the operator's licence require the operator to notify the traffic commissioner of matters which might impact for instance on the ability to show professional competence.

A traffic commissioner will then have to take a view on what is practicable in all the circumstances to meet the statutory duty. If a transport manager is 'shielding', which limits their availability to attend an operating centre they are invited to submit a proposal to a traffic commissioner on how they will fulfil the requirements during the current situation. This may include the use of technology and other assistance.

If a transport manager is required to work from home to comply with instructions from the Government, they are advised to consider how they can fulfil the statutory duty through the use of technology and other assistance. They may be required to demonstrate this at any time. If the period of working from home extends beyond four months a transport manager would be advised to formally notify the traffic commissioner of their working arrangements.

If a transport manager is furloughed and is no longer carrying out the duties of transport manager the operator and/or the transport manager must advise the Office of the Traffic Commissioner by email providing details of the arrangements.

Traffic commissioners would not normally expect to be notified of periods of short illness such as the general symptoms described in the current public health guidance or absences as a result of a 14-day self-isolation period.

Where a person develops more acute symptoms, it may be necessary to grant a Period of Grace. Recognising the additional challenges of recruitment during the period of the outbreak, the Senior Traffic Commissioner has set a starting point of 4 months Period of Grace for qualifying operators. That starting point is intended to allow for an extension to the maximum period of 6 months should circumstances require that.

9. Furloughing (standing down) a transport manager

As stated in question 8 the role of Transport Manager brings with it a lot of responsibilities (see paragraph 54 of Statutory Document No. 3). A Transport Manager is required to effectively and continuously manage the transport activities of an undertaking. The conditions on the operator's licence require the operator to notify the traffic commissioner of matters which might impact for instance on the ability to show professional competence.

There may be several scenarios which lead to an agreement to furlough a Transport Manager. HMRC published updated guidance on 12 June, which reflect changes to the Coronavirus Job Retention Scheme (CJRS), that come into effect from 1 July 2020 and will permit flexible furlough. The traffic commissioners will consider each case on its own merit, but the following provides the starting points for the traffic commissioners in their deliberations:

- If an operator has temporarily laid up the whole fleet of licensed vehicles, the Transport Manager will not be required to exercise continuous and effective management of an undertaking which is not in operation. It is likely that the traffic commissioner would consider that there continues to be a genuine link between the operator and Transport Manager, who must be re-engaged before operations recommence. The traffic commissioner would not normally expect to be advised of that change.
- If an operator reduces their overall operation and some Transport Managers are furloughed (as may occur with some larger operations who have several

Transport Managers) the operator and/or the Transport Manager(s) must advise the Office of the Traffic Commissioner by email providing details of the arrangements. The Traffic Commissioner may require additional information.

- If an operator continues to operate and attempts to furlough the only Transport Manager, the Office of the Traffic Commissioner must be advised immediately. There is a mandatory and continuing requirement for professional competence on all standard licences. In order to continue operating that standard operator must make an application for a Period of Grace or seek a temporary exemption, in order to continue operating without a Transport Manager. The Contingency Statutory Document already refers to the approach, which might be taken by the Traffic Commissioner.

10. I, or my transport manager, have an undertaking on my licence to complete training by a given date, what should I do?

You should follow the general Government advice on travel and attendance at events. If you cannot attend a required training event within the period set out in the undertaking you should notify the traffic commissioner as soon as possible. You should include the steps that you have taken to comply, including enclosing a receipt for any bookings made, and request that the traffic commissioner considers amending the undertaking to allow more time to comply. You will be contacted with details of the traffic commissioner's determination.

A number of training organisations are providing online alternatives which people are advised to investigate for suitability. Traffic commissioner do not accredit training providers but may be persuaded to accept online courses as alternatives.

Traffic commissioners understand that responsible providers of training will wish to ensure the effectiveness of online training and will adapt their courses so that:

- i) the instructor and all course participants are visible to each other and audible throughout the training;
- ii) participants participate by means of a tablet, laptop or PC with the necessary camera/microphone capability. Participation by smartphone is unlikely to be acceptable unless it has the full functionality of the larger devices;
- iii) the course provider is able to verify the identity of all participants and does so before the course commences;
- iv) the instructor is able to interact with participants, display material and discuss it simultaneously;
- v) the number of people on the course is such to allow the instructor to ensure that all are sufficiently engaged and interacting on the course. Six is regarded as the maximum number of attendees to allow this to be effective using a standard video-conferencing platform, this could be greater if using a training industry-established Virtual Learning Environment (VLE) or if the trainer has further support, e.g. a moderator;

- vi) the course will replicate as far as is possible the training which would have been delivered in a physical environment;
- vii) there is some element of assessment at a point or points during the training, to verify that participants have actively engaged in the course;
- viii) while the virtual element of the course need not last 7 hours (or 14 hours in the case of a two day TM CPC refresher course), total participation time for each attendee (including prior reading, completion of “homework” modules etc) should be in this region.

Public Inquiry and Driver Conduct Hearings

11. I have been called to a Public Inquiry or a Driver Conduct hearing, will it go ahead during the coronavirus outbreak?

In response to the Coronavirus (COVID 19) outbreak, any public inquiry, driver conduct or other hearing, listed prior to 20 March 2020, was postponed and all parties advised. Hearings recommenced on 6 July 2020 in England. Hearings in Scotland will commence on 4 August 2020 and in Wales on 6 August 2020.

The Traffic Commissioners will continue to monitor the position closely and may identify cases where a video link (virtual) hearing might be suitable to consider an application or an outstanding regulatory matter rather than hold an ‘in person’ hearing.

If a hearing is to proceed, anyone who is due to attend should read the latest Government advice:

<https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public>

Anyone who has either a high temperature or a new continuous cough, or has recently returned from an affected area, is advised to follow published advice on [NHS 111](#) (this number works in Wales and Scotland) for advice and use the [111 Coronavirus Online Service](#) for medical help (you can also refer to [NHS Direct in Wales](#) and [NHS Inform in Scotland](#)). Current advice requires those demonstrating symptoms to self-isolate for a period of 7 days.

Do not go to a GP surgery, pharmacy or hospital. You do not need to contact 111 to tell them you’re staying at home.

The current advice is that, as long as you do not have confirmed or possible coronavirus (COVID-19) infection, you can continue to attend a tribunal as usual. This advice might change and cases may be postponed.

If you, or the people who are coming to the tribunal with you, have confirmed or possible coronavirus (COVID-19) infection, you should contact the tribunal in which the hearing is due to take place. You can find contact details on:

<https://www.gov.uk/government/organisations/traffic-commissioners/about/access-and-opening>

Local Bus Service Registrations

12. I am unable to run my registered services or wish to urgently register new services to assist in the transportation of essential workers.

Current legislation already allows operators to seek short notice dispensation from a traffic commissioner in certain emergencies. Traffic commissioners have a discretionary power (Regulation 7) to accept short notice applications for services and in particular:

- where the operator, due to circumstances he could not reasonably have foreseen, failed to make an application in sufficient time for the period of notice applicable;
- where an operator applies to register or vary a registration to meet an urgent or exceptional public passenger transport requirement.

In the event of widespread disruption operators who needed to change their local bus service registrations at short notice were encouraged to apply using these provisions.

Operators seeking to reduce or stop a service for a temporary period were encouraged to lodge a variation application (akin to a holiday service) where the registration automatically reverts back to the original route timetable at the expiry of the given period. As the lockdown restrictions are eased, operators who wish to increase their services incrementally (but without returning to the registration in force at the commencement of the pandemic) may do so through a further temporary variation provided the intention is to revert to the original registration by 4 January 2021. This date has been extended from 30 September 2020 across England, Wales and Scotland to reflect the challenges faced by operators whilst they assess what is practicable.

It is not expected that the 4 January 2021 deadline will be extended further, bar an exceptional change in the development of the pandemic. It is expected that the operational challenges for operators to ensure the safety of passengers and staff will be clearer by October 2020. The January 2021 date will provides operators with the opportunity to apply to make permanent variations to services in advance. Operators should allow sufficient time to plan for any changes as usual notice periods both to the local authorities and the traffic commissioners will apply.

To relieve the administrative burden on operators the traffic commissioners agreed to allow for a change in the usual registration process. Until notified otherwise operators seeking to make applications, variations or cancellations to local bus services can do so by emailing the Office of the Traffic Commissioner with more limited information as set out below. The email addresses are:

PSV-continuations@otc.gov.uk (England and Wales)
enquiries-busregscot@otc.gov.uk (Scotland)

In all cases where short notice dispensation is being requested the operator must provide detail of the grounds that it is being applied under and the justification.

All emails **must** contain:

- The operator licence number
- The full service registration number
- The route service number

This is essential to enable OTC staff to correctly identify the service as quickly as possible. Incomplete information presents a difficulty in processing applications and will delay grant.

Local Authority Notice Period - England and Scotland

Local authorities have worked with the respective Governments on temporary arrangements to enable operators to vary services as a result of the current situation. Local authorities have agreed that operators can submit applications to temporarily vary services to the traffic commissioner at same time as they send the proposal to the relevant local authorities. A single email can be used for both the Local Authority and the Office of the Traffic Commissioner.

As services decreased as a result of lockdown restrictions, a 24 hour notice period was agreed in England and Scotland for the Local Authority to consider the proposal and decide whether to request a longer period of consultation from the operator. As services are increasing it has now been agreed that this notice period should be **increased to 72 hours** (three working days) to allow more time for Local Authorities to consider the impact of the service change and update travel information systems. If a Local Authority wishes to have an extended time to consider a request they will be required to contact both the operator and the Office of the Traffic Commissioner at the email addresses above within the 72 hour period. The increase in notice to 72 hours took effect in Scotland on 29 June 2020 and will take effect in England with effect from 3 August 2020.

If no notice from the Local Authority is received it will be taken as implied consent and the traffic commissioner will consider the application.

The traffic commissioners have agreed that due to the exceptional nature of the situation that the application is deemed as accepted on expiry of the 72 hour period subject to the paragraph above and the changes can come into effect.

Services to register a new service or permanently cancel or vary a service will be subject to the usual consultation period.

Temporary variations – Wales

There is no statutory notice period requiring operators to notify relevant Local Authorities in Wales of bus registration variations, although for cross border services

they are required to notify relevant English Local Authorities. The Traffic Commissioner for Wales has agreed that, for services operating wholly within Wales, due to the exceptional nature of the situation, applications for temporary variations will be considered accepted on the expiry of the 72 hour period (mirroring the provisions within England and Scotland), following the application being received by the Office of the Traffic Commissioner at the email address specified above. The changes can come into effect at that point.

Cancelling a service

Permanent cancellations of services can be applied for using email alone.

Varying an existing service

Operators are encouraged to make use of the provision to temporarily vary a service registration by either not running it for a period of time, changing the frequency of the timetable or altering the route.

Amended frequency – the operator should provide an email advising of the proposed date of amendment and the date when the previous registered service is to recommence. A timetable should also be included of the revised service.

Amended route – in addition to the email set out above the operator should include a revised timetable and route map.

Temporary cessation of service – the operator must provide an email advising of the proposed introduction of the change and the date that the previously registered service is to recommence.

Temporary variations can either be submitted with a defined end date after which they revert to the previously registered timetable or with the following wording:

“Variation is to be in place until otherwise notified or until 4 January 2021 (previously 30 September 2020) whichever is the earliest date”

If the variation is not time limited (as set out above) or there are any form of permanent change to the previous registered timetable on recommencement the operator will be required to provide the PSV 355 form, the registered particulars and appropriate fee. The variation will require the full notice to be given to the local authority as the reduced period will not apply.

To assist operators, services previously varied on a temporary basis until 30 September 2020 will automatically be regarded as expiring on 4 January 2021. It is still open to an operator to curtail the temporary variation if required. Any request should be emailed to the Office of the Traffic Commissioner and copied to the relevant Local Authority to make them aware of the intention.

If an operator uses the Electronic Bus Service Registration system they can notify the traffic commissioner of temporary variations using the method set out above.

Registering a new service

If an operator wishes to register a new service they are encouraged to complete an 'Application to Register a Bus Service' PSV350 form and submit it electronically by email along with the registered particulars usually required.

Payment

Given the exceptional circumstances that operators are experiencing the traffic commissioners have decided to waive the fee for all applications that seek to temporarily vary a local bus registration. **This is on the stated intention that the service should return to the same timetable that was previously registered in March 2020 by the extended date of 4 January 2021.**

A request to register a new local bus service or to permanently vary an existing service is subject to the appropriate fee. Once the traffic commissioner has recorded the application an email will be sent to the operator advising that payment can now be made on-line. It would be helpful to allow for efficient administration if operators could make full use of the ability to pay on-line. If an operator wishes to pay over the telephone they should respond to the email stating this preference. They will then be contacted.

Further guidance related to the process for temporary variations can be found at Annex B.

13. I do not want to amend services but some days I do not have the required number of staff to operate the service. Will I face regulatory action if I fail to run some services?

There is no blanket rule, but traffic commissioners will take into account the developing situation. The guidance allows for a flexible approach to the functions carried out by traffic commissioners.

Operators are reminded of the Statutory Guidance and Statutory Directions issued by the Senior Traffic Commissioner, in particular, the provisions of paragraphs 30-32 setting out the approach to Reasonable Excuse.

14. I have registered a local bus service as a normal service but now want to amend it to be a school or works service. How do I need to notify the traffic commissioner?

When registering a local bus service an operator is asked to confirm whether the service is a school or works service. This is then included in the publication in Notices and Proceedings and on data provided through data.gov.uk.

As the service type is not a registered particular set out in legislation, it is possible for an operator to amend the service type without applying to formally vary the service. However, the information provided to the traffic commissioner is akin to a statement of expectation and the operator is required to formally notify the traffic commissioner of the change. This notification can be carried out by sending an email confirming the change to the relevant inbox detailed in question 12 above. All emails **must** contain:

- The operator licence number
- The full service registration number
- The route service number

As it is not a registered particular the change does not require a formal notification period either to the Local Authority or the traffic commissioner. However, as changing the service would impact on the provision of services to the general public the traffic commissioners expect operators to work closely with Local Authorities before making any change to the service type and also to ensure that the general public who would otherwise use the services are given sufficient notice so that they may make alternative arrangements.

It is the responsibility of the operator to understand and fulfil the safeguarding requirements. The safeguarding legislation^[1] provides for situations where a driver is eligible for:

- an enhanced DBS check when driving a vehicle which is being used only for the purpose of conveying children at least once a week by the same driver; or
- an enhanced DBS check with barred lists check when driving a vehicle which is being used only for the purpose of conveying children more than three times in a 30-day period,

but operators may identify alternative methods for ensuring compliance with the safeguarding obligations, and should seek their own advice.

15. As a result of social distancing measures can I operate a duplicate vehicle on a normal stopping service but reserve it for school children?

Legislation permits a service to be varied, without variation of the registration, by the provision of additional vehicles which are operated over any part of the route of the service and operated as closely as possible to the timings of the registered timetable. This can only be carried out when the operator of the service has reasonable grounds to expect that, owing to special circumstances, the number of vehicles normally required to provide the service would be insufficient to carry all persons wishing to travel.

The Senior Traffic Commissioner has issued guidance to traffic commissioners that the need to maintain social distancing measures as a result of the current COVID-19 pandemic could not have been reasonably foreseen. The requirements to take

[1] <https://www.legislation.gov.uk/ukpga/2006/47/contentse> see Schedule 4 Part 1 paragraph 2(1)(f)

special measures to protect the travelling public, particularly those most vulnerable to COVID-19, has changed the way that society must travel. The guidance states that for a limited period of time whilst social distancing requirements are set out by Government advice, the pandemic should be regarded as a special circumstance that allows for operators to rely upon duplicate services to provide capacity for the travelling public.

In these exceptional circumstances it is permissible for an operator to run a duplicate vehicle on a normal stopping service reserved for school children only. This is on the condition that the vehicles align to the registered timetable as closely as possible and that the vehicles are clearly marked to assist the service users. Operators do not have to advise the traffic commissioner when a duplicate vehicle is being operated, but should keep a record of the operation in case they are required to provide details at a later date. The traffic commissioners expect operators to work closely with the Local Authorities on the provision of services.



Section 4 of the Goods Vehicle (Licensing of Operators) Act 1995
Request for temporary exemption from requirement to hold a standard licence

Filling in the form

This form is to be completed by the applicant or operator and returned by email to the Office of the Traffic Commissioner.

Applicants should first consult the Senior Traffic Commissioner’s Statutory Guidance and advice issued to assist the transport industry during the Coronavirus (COVID-19) outbreak:

<https://www.gov.uk/government/publications/traffic-commissioners-contingency-and-emergency-planning-covid-19>

<https://www.gov.uk/government/publications/advice-heavy-goods-and-public-service-vehicle-operators-covid-19>

Data Protection

The personal information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the Traffic Commissioner.

1. Your details

Name of Operator:

Licence Number (if applicable):

Address of Operating Centre(s) (if not existing licence holder):

2. Please confirm the number of vehicles and trailers for which you are seeking an exemption:

Vehicles:

Trailers:

3. If you do not currently hold an operator licence please go to question 4. If you already hold an operator's licence, please tick to confirm if you are:

- a) An existing Restricted licence holder applying for the exemption to operate vehicles for hire/reward
- b) An existing Standard licence holder applying for the exemption to operate vehicles in addition to your existing authority

4. Please give details of the purpose for seeking an exemption including the following:

- a) The specific emergency purpose or other special need for the exemption;
- b) The nature of the goods to be carried;
- c) The proposed customer(s);
- d) The proposed area of operation including radius from the operating centre.

5. Please state the start date requested for the exemption and the proposed end date.

Start date:	
End date:	

6. Please identify the vehicles proposed to be used under the exemption:

Vehicle registration mark	Gross plated weight (kg)	Disc No.

Applicant's declaration

Delete as appropriate

- I,
[Insert name of operator if sole trader]

- I on behalf of

certify the following to be true and accurate:

- I am not/The operator is not insolvent;
- I/the operator has a valid insurance policy covering the use of the vehicles for the proposed hire or reward operation;
- There are no outstanding maintenance or other issues in relation to myself/ the operator which might impact on road safety;
- I am not/The operator is not making this application as device to avoid responsibility for alleged failures in compliance;
- I have/the operator has satisfactory facilities and arrangements for maintaining the vehicles used under the exemption in a fit and serviceable condition;

- I am/the operator is engaged exclusively in national transport operations, which will/have only a minor impact on the transport market because of the nature of the goods carried or the short distance the goods are carried.

Signed:

Date:

Print name:

Position:

(Must be the named individual applicant or officer of the corporate entity)

TEMPORARY ARRANGEMENTS FOR VARYING LOCAL BUS SERVICES

Who should read this note?

- Those within local authorities, who are responsible for the provision of local bus services.
- Bus operators providing local bus services that are registered with the traffic commissioner.

Purpose of this note

This note is intended to explain temporary arrangements which have come into force with immediate effect, to assist operators seeking to make variations to registered services which are impacted by the current Coronavirus (COVID-19) outbreak. It is divided into two parts:

Part 1 - Key changes

Part 2 - A step-by-step guide to how the temporary arrangements are intended to work

Part 1 - The key changes

The Public Service Vehicles (Registration of Local Services) Regulations 1986 for England and the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 for Scotland provide that an operator must provide notification to local authorities at least 28 calendar days before they submit an application to the traffic commissioner to register, vary or cancel a local bus service, where the service has a stopping place in that authority's area.

In light of the challenges posed by the outbreak, the Government asked local authorities to agree a process whereby 24 hours (one working day) was considered acceptable notice for those variation applications which require to be made on a temporary basis as a result of the outbreak. With effect from 29 June 2020 in Scotland and 3 August 2020 in England, this notice period has, by agreement between the relevant parties, been increased to 72 hours (three working days).

An operator can send the notification requesting the short notice temporary variation to the Office of the Traffic Commissioner and relevant local authorities at the same time with details of how registered particulars are being varied to help make the notification and decision process faster.

Local services wholly **within Wales** do not require pre-notification to the local authority. Applications to temporarily vary services will be deemed as accepted 72 hours after receipt within the Office of the Traffic Commissioner.

Any service registered, varied or cancelled on a permanent basis will not be eligible for the reduced local authority notice period but may still apply for short notice dispensation from the traffic commissioner if the application meets the required legislative grounds to be accepted.

The standard fee for the variation of a service will **not apply** on condition that the service is intended to return to the same timetable that was previously registered by 4 January 2021. This date has been revised from 31 August 2020 and then 30 September 2020 to reflect the ongoing challenges faced by operators in assessing what is practicable.

Part 2 – The process

How to submit an application for a temporary variation of a service affected by coronavirus (COVID-19).

Step 1

To relieve the administrative burden on operators the traffic commissioners have agreed to allow for a change in the usual registration process. Until notified otherwise operators seeking to make applications, variations or cancellations to local bus services can do so by emailing the Office of the Traffic Commissioner with more limited information as set out below. The email addresses are:

PSV-continuations@otc.gov.uk (England and Wales)

Steven.Jones@otc.gov.uk (Scotland)

In all cases where short notice dispensation is being requested the operator must give provide detail of the grounds that it is being applied under and the justification. Emails must contain the full service registration number to assist in the correct identification.

Temporarily varying an existing service

Operators are encouraged to make use of the provision to temporarily vary a service registration by either not running it for a period of time, changing the frequency of the timetable or altering the route.

- Amended frequency – the operator should provide an email advising of the proposed date of amendment and the date when the previous registered service is to recommence. A timetable should also be included of the revised service.
- Amended route – in addition to the email set out above the operator should include a revised timetable and route map.
- Temporary cessation of service – the operator must provide the date of the proposed introduction of the change and the date that the previously registered service is intended to recommence.

While operators assess the practicability of increased services, including patronage, the suggested timescale for the variation is:

‘until notified otherwise, or until 4 January 2021 **whichever is the earlier**’
(previously 30 September 2020)

The suggested period allows for a finite end point for administrative purposes, whilst allowing operators the flexibility to return to the previously registered timetable earlier if that is possible. Services previously temporarily varied to revert on 31 August 2020 or 30 September 2020 will automatically be regarded as expiring on 4 January 2021 to assist the operator. It is still open to an operator to curtail the temporary variation if required. Any request should be emailed to the Office of the Traffic Commissioner.

If the variation is not time limited (as set out above) or there are any proposed permanent changes to the previous registered timetable on recommencement the operator will be required to provide an application to vary a service with the appropriate registered particulars and fee. The operator will be required to abide by the usual notice periods.

If an operator uses the Electronic Bus Service Registration system they can notify the traffic commissioner of temporary variations using the method set out above.

Cancelling a service

Permanent cancellations of services can be applied for using email alone.

Registering a new service

If an operator wishes to register a new service they are encouraged to complete an ‘Application to Register a Bus Service’ PSV350 form and submit it electronically by email along with the registered particulars usually required.

Payment

Given the exceptional circumstances that operators are experiencing the traffic commissioners have decided to waive the fee for all applications that seek to temporarily vary a local bus registration. **This is on condition that the service is intended to return to the same timetable that was previously registered.**

A request to register a new local bus service is currently subject to the appropriate fee. Once the traffic commissioner has recorded the application an email will be sent to the operator advising that payment can now be made on-line. It would be helpful to allow for efficient administration if operators could make full use of the ability to pay on-line. If an operator wishes to pay over the telephone they should respond to the email stating this preference. They will then be contacted.

Step 2

If a relevant local authority/authorities wishes to make representations, they should do so within 72 hours¹ (i.e. within three working days) of the application being lodged with them. Any representations should be sent, at the same time, to the Traffic Commissioner by email to PSV-continuations@otc.gov.uk and the operator by way of the contact details they have given on submission of the variation application.

In the absence of any objections being lodged by a relevant local authority/authorities within the 72 hour period from the receipt of the application, the Traffic Commissioner will consider the notification requirements in Regulation 3A of the Public Service Vehicles (Registration of Local Services) Regulations 1986 to have been met.

On expiry of the 72 hour period, operators can assume deemed grant of the application to temporarily vary the registration by the Traffic Commissioner.

Step 3

Confirmation of the Traffic Commissioner's decision in relation to the application will be sent, in due course, to the operator and to the relevant local authorities by email.

¹ This takes effect from 3 August 2020 in England. Any application in England received before 3 August 2020 is subject to the 24 hour notification period. The 72 hours notice has been in place in Scotland since 29 June 2020.